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Attorneys for the Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

THOMAS KIM,

Plaintiff,

UNITED STATES OF AMERICA

Defendant.

Case No. 2:16-cv-0778-APG-CWH

**PLAINTIFF'S UNOPPOSED MOTION FOR
EXTENSION OF TIME TO RESPOND TO DEFENDANT'S
MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

(THIRD REQUEST)

Pursuant to Federal Rule of Civil Procedure ("FRCP") 6(b)(1)(A), Plaintiff respectfully requests that the Court extend by six business days, or until October 10, 2016, the time within which Plaintiff must respond to Defendant's motion to dismiss Plaintiff's Complaint. Presently,

1 Plaintiff's response is due on September 30, 2016. This is Plaintiff's third request for an
2 extension of time for the purpose set forth herein. Counsel for the United States, Katherine Foss,
3 Esq., has kindly indicated she has no opposition to this request.

4 In support of this motion, Plaintiff relies upon the memorandum of points and authorities
5 set forth below.

6 **MEMORANDUM OF POINTS AND AUTHORITIES**

7 Federal Rule of Civil Procedure 6(b)(1)(A) permits a party to extend a deadline prior to
8 its expiration upon a showing of "good cause." The standard to be applied by a court under
9 FRCP 6(b)(1) is a liberal one in order to "effectuate the general purpose of seeing that cases are
10 tried on the merits." Ahanchian v. Xenon Pictures, Inc., 624 F.3d 1253, 1258-59 (9th Cir. 2010).
11 "Good cause is a non-rigorous standard that has been construed broadly across procedural and
12 statutory contexts." Id at 1259.

13 Here, undersigned counsel's work schedule requires a short extension of time to file a
14 response to the pending dispositive motion. Although undersigned counsel has been working to
15 complete a response, and has nearly done so, an additional six business days will permit him
16 sufficient time to complete, review and finalize an appropriate response to the pending
17 dispositive motion while at the same time balancing other case commitments.¹ While
18 undersigned counsel has co-counsel that will assist in finalizing the response, co-counsel are
19 exceptionally busy during the coming week with a filing due in the United States Court of
20 Appeals for the Ninth Circuit and will not be able to assist until the end of next week.

21 With respect to competing case commitments, undersigned counsel is himself extremely
22 busy in the next three days with discovering closing in a significant civil case pending in state
23

24 ¹ An appropriate and fulsome response to the motion to dismiss is important as it will
25 assist the Court, which will act as the trier-of-fact in this litigation, in appreciating the issues at
26 play in this litigation.

1 court. In that case, defendants have filed several motions that will need to be responded to and
2 undersigned counsel anticipates devoting the next two business days to completing those
3 responses. During the past three days, undersigned counsel was not able to devote sufficient time
4 to this case as he was required to respond to thirteen motions *in limine* filed in yet another state
5 case with a trial scheduled to commence on October 10, 2016. A short extension of time,
6 however, will permit undersigned counsel sufficient time to complete and file a response to the
7 pending dispositive motion.

8 **CONCLUSION**

9 Based upon the foregoing, undersigned counsel respectfully requests that the Court grant
10 this motion.

11 Respectfully submitted,

12 /s/ Paul S. Padda

13 _____
Paul S. Padda, Esq.

14 Attorney for Plaintiff

15 Dated: September 29, 2016

16
17 **IT IS SO ORDERED:**

18 **Plaintiff's motion for a six day extension of time to**
19 **respond to Defendant's dispositive motion (Pacer #17) is**
20 **hereby granted. Plaintiff's response shall be due on or**
21 **before October 10, 2016.**

22 

23 _____
UNITED STATES DISTRICT JUDGE

24
25 **DATED:** September 30, 2016

CERTIFICATE OF SERVICE

In compliance with the Court's Local Rules, the undersigned hereby certifies that on September 29, 2016 a copy of the foregoing document, "PLAINTIFF'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT" was served (via the Court's CM/ECF system) upon all counsel of record.

/s/ Paul S. Padda

Paul S. Padda, Esq.